Remarks

In the present response, claims 1 – 39 are presented for examination.

Amendments to Specification

The paragraph of specification beginning at page 8, line 23 is amended to correct typographical errors.

Claim Objections

Claims 1 – 39 are objected to as having informalities. These rejections are moot since the claims are amended to correct the informalities.

Claim Rejections: 35 USC § 102(e)

Claims 1, 8-9, and 34 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,941,348 (Petry). These rejections are traversed.

The rejected claims recite numerous recitations that are not taught or even suggested in Petry. By way of example, independent claims 1 and 34 recite "sending a command from the relaying computer to the sending computer, the command causing the sending computer to re-queue the message for re-transmission of the message to the relaying computer." Petry does not teach or even suggest this element.

Petry teaches an Electronic Message Management System (EMS) provided between the internet and the receiving mail server (see FIG. 2 in Petry). The EMS stores instructions on how incoming messages are delivered to specific IP addresses (see Petry at column 9, lines 53-57). Nowhere does Petry teach or even suggest that the EMS sends a command to a sending computer such that the command causes the sending computer to re-queue the message for re-transmission of the message to the EMS.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claims 1, 8-9, and 34 are allowable over Petry.

Claim Rejections: 35 USC § 102(e)

Claims 10-12, 17-18, and 35 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,691,156 (Drummond). These rejections are traversed.

The rejected claims recite numerous recitations that are not taught or even suggested in Drummond. By way of example, independent claims 10 and 35 recite "causing the sending computer to timeout by having the receiving computer drop the data link with the sending computer if the recipient address can not be identified by the receiving computer." Drummond does not teach or even suggest this element.

Drummond teaches an e-mail server that reduces unsolicited e-mail by accepting for delivery to e-mail clients only if the received e-mail is from a verified address. Upon receiving an email for the first time, the e-mail server issues a request to verifying the original message (see Drummond at column 2, lines 25-32). If a return acknowledgement is not received within a given time period, then the e-mail is deleted from the holding queue in the e-mail server. "In this case, the e-mail is not forwarded to the e-mail client because the agent has determined that the default spam status has not been changed within the given time period" (see Drummond at column 6, lines 46 – 49). Nowhere does Drummond teach or even suggest that e-mail server causes the sending computer to timeout by having the e-mail server drop the data link with the sending computer if the recipient address cannot be identified.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claims 10-12, 17-18, and 35 are allowable over Drummond.

Claim Rejections: 35 USC § 102(e)

Claims 19-20, 25-26, 29, 31-33, and 36-38 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,973,481 (MacIntosh). These rejections are traversed.

The rejected claims recite numerous recitations that are not taught or even suggested in MacIntosh. By way of example, independent claims 19 and 36 recite "causing the sending computer to timeout by dropping the data link between the sending

computer and the receiving computer in response to the receiving computer receiving the one of the faux addresses." MacIntosh does not teach or even suggest this element.

MacIntosh teaches creating an email forwarding address when a user is viewing a web page that includes a prompt for an email address. The created email forwarding address re-directed emails to the correct email address of the user. Nowhere does MacIntosh teach or even suggest causing a sending computer to timeout by dropping the data link between the sending computer and the receiving computer in response to the receiving computer receiving the one of the faux addresses.

Anticipation is established only when a single prior art reference discloses each and every element of a claimed invention united in the same way (see *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984)). For at least these reasons, claims 19-20, 25-26, 29, 31-33, and 36-38 are allowable over MacIntosh.

Claim Rejections: 35 USC § 102(b)

Claims 19-20, 31-33, and 36 are rejected under 35 USC § 102(b) as being anticipated by US publication number 2002/0087641 (Levosky). These rejections are traversed.

The rejected claims recite numerous recitations that are not taught or even suggested in Levosky. By way of example, independent claims 19 and 36 recite "causing the sending computer to timeout by dropping the data link between the sending computer and the receiving computer in response to the receiving computer receiving the one of the faux addresses." Levosky does not teach or even suggest this element.

Levosky teaches an Alias Email Server that generates an alias email for a user. The user then makes the alias available to vendors who want to communicate with the user. When a vendor directs an email to the user, the email is intercepted at the Alias Email Server and then blocked, filtered, or forwarded to the user. Nowhere does Levosky teach or even suggest causing a sending computer to timeout by dropping the data link between the sending computer and the receiving computer in response to the receiving computer receiving the one of the faux addresses.

There can be no difference between the claimed invention and the cited reference, as viewed by a person of ordinary skill in the art (see *Scripps Clinic & Research*

Foundation v. Genentech Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991)). For at least these reasons, claims 19-20, 31-33, and 36 are allowable over Levosky.

Claim Rejections: 35 USC § 102(a)

Claims 1, 3, 8-9, and 34 are rejected under 35 USC § 102(a) as being anticipated by "The Next Step in the Spam Control War: Greylisting" (Harris). These rejections are traversed.

The rejected claims recite numerous recitations that are not taught or even suggested in Harris. By way of example, independent claims 1 and 34 recite "sending a command from the relaying computer to the sending computer, the command causing the sending computer to re-queue the message for re-transmission of the message to the relaying computer." Harris does not teach or even suggest this element.

Harris teaches examining emails for three pieces of information (IP address of host, sender address, and recipient address). "If we have never seen this triplet before, then refuse this delivery and any others that may come within a certain period of time with a temporary failure." Nowhere does Harris teach or even suggest that a relaying computer sends a command to a sending computer such that the command causes the sending computer to re-queue the message for re-transmission of the message to the relaying computer.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claims 1, 3, 8-9, and 34 are allowable over Harris.

Claim Rejections: 35 USC § 103(a)

Claim 2 is rejected under 35 USC § 103(a) as being unpatentable over Petry in view of US publication number 2002/0035605 (McDowell). Claim 2 is rejected under 35 USC § 103(a) as being unpatentable over Harris in view of McDowell. Claims 4-5 are rejected under 35 USC § 103(a) as being unpatentable over Petry in view of Transmission Control Protocol Specification. Claims 4-5 are rejected under 35 USC § 103(a) as being unpatentable over Harris in view of Transmission Control Protocol Specification. Claims

6-7 are rejected under 35 USC § 103(a) as being unpatentable over Petry in view of IPtables. Claims 6-7 are rejected under 35 USC § 103(a) as being unpatentable over Harris in view of IPtables. Claims 13-14 are rejected under 35 USC § 103(a) as being unpatentable over Drummond in view of Transmission Control Protocol Specification. Claims 15-16 are rejected under 35 USC § 103(a) as being unpatentable over Drummond in view of IPtables. Claims 21-22 are rejected under 35 USC § 103(a) as being unpatentable over MacIntosh in view of Transmission Control Protocol Specification. Claims 21-22 are rejected under 35 USC § 103(a) as being unpatentable over Levosky in view of Transmission Control Protocol Specification. Claims 23-24 are rejected under 35 USC § 103(a) as being unpatentable over MacIntosh in view of IPtables. Claims 23-24 are rejected under 35 USC § 103(a) as being unpatentable over Levosky in view of IPtables. Claims 27-28 are rejected under 35 USC § 103(a) as being unpatentable over MacIntosh in view of US publication number 2006/0031298 (Hasegawa). Claims 30 and 39 are rejected under 35 USC § 103(a) as being unpatentable over MacIntosh in view of "Understanding Your Quota." These rejections are traversed.

As shown above, Petry, Drummond, MacIntosh ,Levosky, and Harris fail to teach or suggest all the elements of the independent claims. McDowell, the Transmission Control Protocol Specification, the IPtables, and other art of record fail to cure the deficiencies of Petry, Drummond, MacIntosh ,Levosky, and Harris. Thus, for at least the reasons provided with the respect to the independent claims, the respective dependent claims are allowable.

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted.

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